Kern County Administrative Office

January 26, 2016

Board of Supervisors
Kern County Administrative Center
1115 Truxtun Avenue
Bakersfield, CA 93301

PROPOSED RESOLUTION SUPPORTING FORMATION OF A GROUNDWATER SUSTAINABILITY AGENCY (GSA) IN THE INDIAN WELLS VALLEY BASIN USING A JOINT POWERS AGREEMENT/JOINT POWERS AUTHORITY (JPA) WHOSE MEMBERS CONSIST ENTIRELY OF PUBLIC AGENCIES ELIGIBLE TO JOIN A GSA
Fiscal Impact: None

This is to request that your Board adopt the attached resolution supporting formation of a Groundwater Sustainability Agency (GSA) in the Indian Wells Valley Basin using a Joint Powers Agreement/Joint Powers Authority (JPA), and require that each representative member of the GSA from Kern County agencies be an elected member of the agencies' governing board.

The Sustainable Groundwater Management Act (SGMA) is new state law governing groundwater in California that went into effect on January 1, 2015. The first major action required by SGMA is to establish a GSA in "high priority" basins as designated by the Department of Water Resources (DWR). In Kern County there are two sub-basins that are classified "high priority" that must comply with SGMA, one of which is located in the Indian Wells Valley (IWV). The following is a report of recent efforts to form a GSA for the IWV basin, the first major action required by SGMA, and a request for your Board to approve the JPA legal structure to form that GSA.

Representatives from local agencies in the IWV area which are GSA-eligible (as defined by SGMA) have met regularly for the past few months to discuss the formation and governance of a GSA. June 30, 2017 is the statutory deadline to form a GSA. Thus far, agency representatives have indicated a preference for a cooperative GSA structure that includes all of the eligible governmental agencies as defined by SGMA.
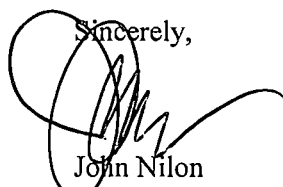
At the last meeting of the GSA-eligible agencies, there was discussion about which legal structure should be used in a cooperative GSA formation. County staff recommended the JPA structure. Another option considered was a Memorandum of Agreement/Understanding (MOA) between the member agencies. DWR literature suggests that either structure will comply with SGMA. After discussion and review of a chart comparing the legal differences between a JPA and a MOA, a majority of the agency representatives indicated their support for a JPA as the preferred legal structure for the GSA.

A draft JPA document prepared by the County Counsel's Office is attached for your review. The eligible agencies asked the County to prepare the draft for their review and comments. The draft JPA borrows language and structure common to other JPAs throughout the State of California. We anticipate that the draft document will undergo numerous revisions as it is reviewed by the GSA-eligible agencies and the public and before a final version is presented to your Board for consideration and approval on behalf of the County of Kern.

On January 12, 2016, your Board directed staff to bring back a resolution supporting a GSA governance structure that uses a JPA whose members consist entirely of public agencies eligible to form the GSA, and that each representative to the GSA from Kern County agencies must be an elected member of the agencies' governing board. Further, your Board directed that the GSA in the Indian Wells Valley Basin must ensure the meaningful participation of the Department of the Navy. The attached resolution complies with your Board's directive.

Therefore, IT IS RECOMMENDED that your Board adopt the attached resolution supporting formation of a GSA in the Indian Wells Valley Basin using a JPA whose members consist entirely of public agencies eligible to join a GSA in that basin.

Sincerely,

John Nilon
County Administrative Officer

cc   Office of County Counsel ✓

JN:AC: ADM IWV GSA Joint Powers Authority 01262016.doc